

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department -Khammam District- Revision Petition filed by Smt. Paladugu Narasimha Ratnam W/o Late Dwaraka Prasad R/o Seethampeta Village, Pinapaka Mandal, Erstwhile Khammam district against the orders of the Addl.Agent to Govt in C.M.A.No.50/2005, dated 17.9.2005 in respect of Acres 1.00 gts in Sy.No.266/AA and to an extent of Acres 0.30 gts in Sy No 266EE, total extent of Acres 1.30 gts of Uppaka Village, Pinapaka Mandal, Khammam District- Dismissal - Orders - Issued

TRIBAL WELFARE (LTR)DEPARTMENT

G.O.Ms.No.37

Dated:19-06-2017,
Read the following:-

- 1.Revision Petition filed Smt. Paladugu Narasimha Ratnam, W/o Late Dwaraka Prasad R/o Seethampeta Village, Pinapaka Mandal, Khammam district, dated 8.12.2006.
2. Govt.Memo.No.272/TW.LTR-2/2006, dated 19.6.2006.
- 3.From the Addl.Agent to Govt.,Letter RP No.272/LTR-2/2006-1, (CMA No.50/2005), dated 23.4.2008.

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ORDER

In the reference 1st read above, Revision Petition filed by Smt. Paladugu Narasimha Ratnam W/o Late Dwaraka Prasad R/o Seethampeta Village, Pinapaka Mandal, Erstwhile Khammam district against the orders of the Addl.Agent to Govt in C.M.A.No.50/2005, dated 17.9.2005 in respect of Acres 1.00 gts in Sy.No.266/AA and to an extent of Acres 0.30 gts in Sy No 266EE, total extent of Acres 1.30 gts of Uppaka Village, Pinapaka Mandal, Khammam District.

2. In the reference 2nd read above, the Project Officer & Addl. Agent to Government, Bhadrachalam, Erstwhile Khammam District was requested to furnish Para Wise Remarks and connected case records and in the reference 3rd read above the Addl. Agent to Government, Bhadrachalam has furnished Para Wise Remarks.

3. The Main grounds of the Revision Petitioner are as follows:

- The Special Deputy Collector (TW), Bhadrachalam built up a LTR Case 197/01/PNK between Nitta Samaiah as Petitioner and Paladugu Narsimha Ratnam (Revision Petitioner herein) as Respondent and passed ejectment orders. Against the said order the Revision Petitioner here in filed a CMA No.50/2005 before the AAG, Bhadrachalam.
- The order of the learned judge is contrary to law, material evidence record and facts and circumstances of the case.
- The learned Agent to Government ought to have seen that the LTR Provisions have no application since the sale transaction was effected prior to the attachment i.e., 18-1-1968.
- The learned Agent to Government ought to have seen that Agency court has no jurisdiction to adjudicate and decide the validity genuinity of the agreement of sale it is for the civil court to decide such dispute.
- The learned Agent to Government ought to have appreciated the written arguments submitted by the petitioner and there is no reference about the same, as such the order has been passed without appreciating the written arguments.
- The learned Agent to Government ought to have seen that certified copies issued by the MRO for the year 1968-69 onwards failed by the petitioner, as such there is no justification in rejecting the said entries.

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- The learned Agent to Government had failed to take note of various judgments of the Hon'ble High Court and order has been passed without appreciating the legal and factual aspects.
- The learned Agent to Government ought to have seen that the original authority without providing opportunity of being heard passed the order.

4 The remarks of the Addl. Agent to Government, Bhadrachalam on the revision petition are as under:

- The case of the Revision Petitioner is that the sale transaction was effected prior to 18-1-68. The Revision Petitioner has not produced the alleged sale deed dt:18-01-1968 before this Court (Addl.Agent to Govt.) The burdone is on the Revision Petitioner to show that his possession is prior to commencement of the regulations. But he failed to produce the alleged sale deed to believe his version. Therefore the 1st respondent rejected the version of the Revision Petitioner and accordingly passed orders.
- Another contention is the AAG, Bhadrachalam has no jurisdiction to adjudicate and decide the validity of agreement of sale and it is for the Civil Court to decide such dispute. Before the Addl.Agent to Govt., Bhadrachalam, the Revision Petitioner has not filed any alleged sale agreement to decide the validity of the said document. The Revision Petitioner without filing any documents saying that the AAG, Bhadrachalam has no jurisdiction to decide the validity. When a document is not filed the question of deciding the validity of documents does not arise. Therefore plea is not correct.
- The learned Agent to Govt. has not appreciated the Written Arguments. The AAG, Bhadrachalam clearly discussed the points raised by the Revision Petitioner and passed orders. The order is clear and elaborate.
- The AAG, Bhadrachalam after clear verification of the Pahanies filed by the Revision Petitioner and passed orders. In his order the AAG, Bhadrachalam clearly discussed about the Pahanies and as per Pahanies 1968-1969 Nitta Veeraiah shown as pattadar and in Coloumn No.16 written that there is a change of INK which clearly establish that the said record was tampered. Even in 1973 Pahani also it was written that there is a Ink change and writings change in Col No. 12. That means the Lower Court (AAG) after due verification and found the record were tampered and passed orders.
- That the Lower Court (Addl.Agent to Govt) after considering the Judgment of the Hon'ble Court Passed Orders and the Spl.Dy.Collector (TW), Bhadrachalam after issuing notices as per the Records Passed Orders.

5. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before the authority as well as before the Addl.Agent to Government it is observed that;

- The Revision Petitioner's main plea is that she has purchased the land to an extent of Ac 1.30 gts in Sy.No. 266AA and 266 EE of Uppaka (V), Pinapaka (M), through a sada sale deed dt.18.01.1968 and that she has been in continuous position from that date and hence the transfer is not hit by Act 1 of 59 read with Act 1 of 70.
- The Revision Petitioner has filed the revision petition before Govt. on 08.12.2005 and immediately approached the Hon'ble High Court alleging that the Govt. have not passed any order on her Petition. She has not waited even for one week to seek any order from Govt. and tried to mislead the Hon'ble High Court.
- However the connected records have been obtained from lower court and the case has been examined in detail. She has been given opportunity of hearing on 29.10.2012, 7.5.2016, 3.12.2016 and finally on 04.02.2017. Her counsel has attended the hearing on 29.10.2012 and requested for adjourn-

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ment to submit detailed written arguments. But the counsel has not filed any written arguments/ documents. Further neither the Revision Petitioner nor her counsel attended any of the hearings. Hence case is disposed basing on the material available on record as well as the connected record of lower court.

- The Revision Petitioner could not produce any documents before this authority to prove that she is patteddar of the land in dispute except a copy of patteddar pass book issued much later than 1970. It is not known as to how she became patteddar of the land in Sy.No. 266 of Uppaka without having valid Regd. sale deed. Even she is unable to prove that she is in continuous possession of the land since the execution of alleged sale deed. Even she is unable to produce the sada sale deed before this authority.

6. Government after careful examination of the matter and in the circumstances stated above hereby dismiss the appeal of the Revision Petitioner filed by Smt. Paladugu Narasimha Ratnam W/o Late Dwaraka Prasad R/o Seethampeta Village Pinapaka Mandal, Khammam district and upholds the orders of the Addl.Agent to Government and Project Officer, ITDA, Bhadrachalam dated 17.9.2005 in C.M.A.No.50/2005.

7. The Addl.Agent to Government and Project Officer, ITDA, Bhadrachalam, Bhadradi Kothagudem District shall take necessary further action accordingly. The original case records received in the reference 3rd read above are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

BENHUR MAHESH DUTT EKKA,
SECRETARY TO GOVERNMENT

To

- 1) Smt. Paladugu Narasimha Ratnam W/o Late Dwaraka Prasad
R/o Seethampeta Village Pinapaka Mandal, Khammam district now Bhadradi Kothagudem District.
- 2) The Project Officer, ITDA and Additional Agent to Government,
Bhadrachalam, Bhadradi Kothagudem District(w.e.)
- 3) Sri Nitta Sammaiah, S/o: late Veeraiah, R/o: Bhupalapatnam (V),
Pinapaka Mandal, Khammam District.
- 4) Sri N. Srinivasa Rao, Advocate, R/o: Bhadrachalam, Khammam Dist.

Copy to :

The Spl. Deputy Collector(TW), Bhadrachalam,
Now Bhadradi Kothagudem District for information and necessary action.
The Tahsildar, Pinapaka Mandal, Now Bhadradi Kothagudem District
for necessary action.

P.S to M(TW)/P.S. to Prl.Secretary(TW)
SF/SC

// FORWARDED:: BY ORDER//

SECTION OFFICER